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FM AMEMBASSY SARAJEVO

TO RUEHGV/USMISSION GENEVA IMMEDIATE 0043

RUEHC/SECSTATE WASHDC IMMEDIATE 6413

INFO RUEHXL/EUROPEAN POLITICAL COLLECTIVE IMMEDIATE

RUEHTC/AMEMBASSY THE HAGUE IMMEDIATE 0143

RHEHNSC/NSC WASHDC IMMEDIATE

RUEAIIA/CIA WASHINGTON DC PRIORITY

RHEFDIA/DIA WASHINGTON DC PRIORITY

RUEKJCS/JCS WASHINGTON DC PRIORITY

RUEKJCS/SECDEF WASHDC PRIORITY

RUFOAOA/USNIC SARAJEVO PRIORITY

C O N F I D E N T I A L SECTION 01 OF 03 SARAJEVO 001317

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FOR AMBASSADOR WILLIAMSON FROM AMBASSADOR MCELHANEY; GENEVA  
FOR AMBASSADOR WILLIAMSON

E.O. 12958: DECL: 06/05/2017

TAGS: PGOV KAWC KJUS PREL ICTY BK

SUBJECT: YOUR JUNE 13-14 VISIT TO SARAJEVO

REF: A. SARAJEVO 677

1B. SARAJEVO 556

1C. SARAJEVO 1212

Classified By: Amb. Douglas L. McElhaney. Reasons 1.4 (b) and (d)

Summary

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11. (C) Your visit comes at a particularly troubled time in Bosnia and Herzegovina as a reemergence of nationalism and inflammatory rhetoric has elevated the political temperature to levels some say has not been seen since before the war. With Radovan Karadzic, Ratko Mladic and Stojan Zupljanin remaining at large, war crimes remain at the top of our political agenda here while nationalist politicians on all sides manipulate Bosnia's wartime legacy for political purposes. Bosnia's two most prominent political leaders, Serb Milorad Dodik and Bosniak Haris Silajdzic, are engaged in a prolonged political struggle over the nature of the state and its future as a multi-ethnic country, and both leaders regularly invoke the war to advance confrontational, nationalist agendas. The standoff has resulted in the paralysis of the national government and the stalling of critical reforms. While law enforcement and judicial structures have made progress, political leaders regularly undermine these institutions by politicizing trials and other war legacy issues. The divisive political discourse further erodes the already low level of public confidence in the judicial system, fosters unrealistic and counterproductive expectations among victims, and drowns out the few voices calling for constructive, multi-ethnic engagement. Your visit presents an opportunity to reshape the national political debate by urging political leaders to refrain from cynically appropriating Bosnia's wartime legacy for nationalist goals and to support institutions working towards reconciliation. END SUMMARY.

War Crimes Frame Political Debate

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12. (C) In the past year Bosnia's political discourse has deteriorated to levels not seen since the pre-war period. Bosnia's two most powerful political leaders, RS PM Milorad Dodik and Bosniak Presidency Member Haris Silajdzic, are both holding the reform agenda hostage to maximalist ethnic agendas. Since your last visit, beginning in the campaign for the October 2006 general election, politicians have

repeatedly manipulated Bosnia's wartime history in pursuit of short-term political gains. Bosniak Presidency member Haris Silajdzic regularly invokes war crimes as justification for irresponsible, provocative demands. Republika Srpska Prime Minister Milorad Dodik, whom you met during your 2006 visit, has raised the issue of RS secession from Bosnia and has deployed nationalist rhetoric that borders on racism. The result has been continuing political gridlock over critical reforms, particularly constitutional and police reform. This has complicated the already slow process of ethnic reconciliation and threatened to undermine Bosnia's progress towards NATO and EU membership.

#### War Criminals: Good and Bad News

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**13.** (C) The arrest and transfer to The Hague of Ratko Mladic, Radovan Karadzic and Stojan Zupljanin remains one of our priority mission goals and an imperative that we raise at every opportunity with Bosnian leaders. While Mladic, and probably Karadzic, may well be outside of Bosnian territory, most believe Stojan Zupljanin remains within the territory of the Republika Srpska, or moves between the RS and Serbia. In January, High Representative Christian Schwarz-Schilling issued an ultimatum to RS Interior Minister Stanislav Cadjo to arrest Zupljanin or face removal. However, as with other deadlines, the High Representative's ultimatum met with no meaningful response from RS authorities and Cadjo remains in office. On May 25, convicted war criminal, and Bosnia's first 11bis transferee, Radovan Stankovic escaped from custody in Foca Prison and is still at large. Stankovic's escape, which was clearly effected with the complicity and assistance of Foca prison officials, calls into question Bosnia's ability to manage additional ICTY 11bis transfers.

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The RS government is aware of the potential repercussions of this incident and many observers view the sudden arrest and transfer to The Hague of Zdravko Tolimir on May 31 as an attempt by Milorad Dodik and others to ameliorate the damage of the Stankovic escape. (Ref C).

#### ICJ Decision Impact

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**14.** (C) The International Court of Justice (ICJ) verdict and accompanying political fallout have exacerbated inter-ethnic tensions and further politicized the war crimes debate. In the wake of the ICJ verdict, Bosniak leaders have called for "justice," but have focused their post-ICJ political energy on pressing for a constitutional amendment that would remove Srebrenica and surrounding municipalities from the Republika Srpska (Ref B). Bosnian Serb leaders view the initiative as an attempt to undermine the integrity of the RS and advance Haris Silajdzic's stated goal of eliminating the RS altogether. We have made clear that practical steps are required that are designed to address the justice, security, economic and social concerns of Srebrenica's residents. However, Bosniak leaders continue to peddle faulty legal logic about the ICJ verdict's implications and to encourage their constituents to believe that secession from the RS is a viable political option. Proponents of secession have gone so far as to stage an attack against a Bosniak resident of the municipality and then use it as evidence that Bosniaks are not safe in Srebrenica.

#### State Institutions and Reconciliation Lack Support

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**15.** (C) Bosniak political leaders have done little to translate their post-ICJ concern for war crimes issues into tangible political support for the State Prosecutor's Office or the State Court. Nor have they shown any interest in providing the additional substantive resources (e.g., judges, prosecutors, investigators, legal assistants) required to enable these institutions to address war crimes issues more efficiently, effectively and quickly. Serb leaders have

internalized, and fostered, the perception that all war crimes efforts are directed at them and are therefore unwilling to be perceived as publicly supporting a progressive war crimes agenda. More generally, few Bosnian leaders have realized the ramifications of the ICTY's planned closure in 2009 or that additional political and financial support to state level law enforcement and judicial institutions will be required to handle a growing caseload that was not anticipated when the State Prosecutor's Office and State Court were established. Political leaders fuel popular discontent and cynicism about the judicial process by criticizing the courts whenever they fall short of these unrealistic expectations. At the same time, these leaders often deflect their own responsibility for improving the legal system in which these institutions operate (Ref A). This lack of support for judicial institutions and truth and reconciliation mechanisms by senior politicians has engendered a reluctance within the justice sector to adopt a proactive approach to these issues for fear of negative political ramifications.

Comment

¶6. (C) Your visit presents a well-timed opportunity to contribute to our goal of normalizing the political debate here by calling on Bosnian leaders to cease their political manipulations of the war and war crimes. It will also be important to demonstrate U.S. support for judicial and NGO mechanisms aimed at promoting justice and reconciliation. Your media work will be particularly important in conveying to the broader Bosnian public the need for realistic expectations about judicial mechanisms and the rejection of nationalism. You should encourage the State Court and State Prosecutor's Office's to be more vocal in their internal advocacy for a national war crimes strategy. You will also want to press key political figures to refrain from politicizing war crimes, and to provide political, legislative and financial support to the institutions necessary for the State Court and State Prosecutor's Office.

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End Comment.  
MCELHANEY